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April 6, 2015

To: Mayor Michael D. Antonovich
Supervisor Hilda L. Solis
Supervisor Mark Ridley-Thomas
Supervisor Sheila Kuehl
Supervisor Don Knabe

From: Sachi A. Hamai
Interim Chief Executive Officer

Board of Supervisors
HILDA L. SOLIS
First District

MARK RIDLEY-THOMAS
Second District

SHEILA KUEHL
Third District

DON KNABE
Fourth District

MICHAEL D. ANTONOVICH
Fifth District

SACRAMENTO UPDATE

Executive Summary

This memorandum contains a report on the following:

- **Pursuit of County Position on a State Budget Item.** The Governor's FY 2015-16 January Budget proposes to suspend the Interagency Child Abuse and Neglect (ICAN) Investigation Reports mandate, which requires specified activities related to child abuse reporting and investigations. In lieu of State reimbursement, the Administration proposes a new \$4.0 million statewide optional grant program. Suspension of this mandate and related State reimbursements would impact the County's ability to track and monitor child abuse. Therefore, unless otherwise directed, consistent with existing policies to support legislation to: 1) seek additional funding for programs where service needs have outpaced stagnant or slow growing revenues; 2) promote collaboration between agencies to enhance the County's ability to improve the quality of life for children; and 3) increase the types of professionals required to report suspected cases of child abuse, **the Sacramento advocates will oppose the Governor's Budget proposal to suspend the ICAN Investigation reports mandate and substitute State reimbursement with an optional grant program.**

"To Enrich Lives Through Effective And Caring Service"

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Pursuit of County Position on a State Budget Item

The Governor's FY 2015-16 January Budget proposes to suspend the Interagency Child Abuse and Neglect (ICAN) Investigation Reports mandate, which requires local agencies to conduct various reporting activities related to child abuse investigations and provide accused child abusers with due process protections. The Administration also proposes, as a substitute funding mechanism for these reporting activities, a new \$4.0 million statewide optional grant program.

Since 1980, mandated reporters under the Child Abuse and Neglect Reporting Act have been required by the State to report child abuse and neglect to local agencies, including law enforcement, welfare, or probation departments. These agencies, in turn, are required to forward the information to the Department of Justice for entry into a central statewide reporting system, the Child Abuse Central Index. In December 2007, the Commission on State Mandates (CSM) deemed several of the provisions of the Act as reimbursable State mandates. Subsequently, in September 2014, CSM approved a \$90.4 million statewide estimate of reimbursable ICAN mandate costs for the period between 1999 through 2013. This action requires the State, under constitutional obligation, to fully appropriate the debt in the next fiscal year, or repeal or suspend the mandate.

The Governor's January Budget proposes to suspend the mandate, which, under current law, would allow the State to defer payment to a later undefined date. Suspension also would stop the growth of future State liabilities related to the ICAN mandate, and defers to each local government the option on whether or not to continue to comply with the mandate without State reimbursement. As a substitute funding mechanism for the ICAN mandate, the Administration proposes a new, limited statewide optional grant program administered by the California Department of Social Services. The grant program is proposed for \$4.0 million statewide in FY 2015-16, with no guarantee that counties will be adequately funded for ongoing ICAN activities.

The Legislative Analyst's Office (LAO), in their February 2015 analysis of the Governor's Budget proposal, reports that the child abuse and neglect reporting required under the ICAN mandate represents a key component of the State's child welfare system in that it affects how child abuse and neglect reports are received; how local governments share information about such reports; and the core functionality of the Child Abuse Central Index (CACI) as a tool to identify suspected child abusers. As such, the LAO indicates several concerns with the potential suspension of the mandate,

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including that it would: 1) reduce communication amongst child protective agencies; 2) weaken the system of child abuse and neglect reporting by mandated reporters; 3) reduce the effectiveness of CACI; and 4) could potentially undermine the due process rights of individuals reported to CACI.

In addition to child safety concerns, suspension of the ICAN mandate would also allow the Administration to defer several past years of reimbursements owed to counties. The Auditor-Controller reports that for the period between 1999 through 2013, the State owes the County an estimated \$8.3 million for unpaid claims. The County's reimbursement estimate is based on claims submitted to date by three impacted departments: the Office of the District Attorney, the Probation Department, and Sheriff's Department.

This office, the Office of the District Attorney, and the Auditor-Controller oppose the Governor's Budget proposal to suspend the ICAN Investigation Reports mandate. Therefore, unless otherwise directed, consistent with existing policies to support legislation to: 1) seek additional funding for programs where service needs have outpaced stagnant or slow growing revenues; 2) promote collaboration between agencies to enhance the County's ability to improve the quality of life for children; and 3) increase the types of professionals required to report suspected cases of child abuse, **the Sacramento advocates will oppose the Governor's Budget proposal to suspend the ICAN Investigation reports mandate and substitute State reimbursement with an optional grant program.**

The proposal is opposed by the California State Association of Counties. There is no known support at this time.

The proposal is scheduled to be considered in the Assembly Budget Subcommittee No. 4 on April 7, 2015, and the Senate Budget and Fiscal Review Subcommittee No. 4 on April 9, 2015.

We will continue to keep you advised.

SAH:JJ:MR
PC:TOF:ma

c: All Department Heads
Legislative Strategist